

**Community Advisory Group (CAG)
for the
Omaha Lead Site**

Minutes for Meeting Held
Wednesday, October 14, 2009, 9:30 a.m.
Omaha South Library
2808 Q Street
Omaha, NE 68107

OLS CAG Members Present:

Rebecca Barrientos-Patlan—*Burlington Road Neighborhood Association*
Senator Brenda Council—*Facilitator*
Kara Eastman—*Omaha Healthy Kids Alliance*
Bob Feild—*Environmental Protection Agency*
Emily Brummund—*Senator Johanns' Office*

Others Present:

Kristina Carter—*Highlander Neighborhood Association*
Mary Castaneda—*EPA Public Information Center*
Lelia Coyne—*Citizen*
Aaron Elliott—*Conestoga-Rovers & Associates*
Tiffany Frezell—*EPA Public Information Center*
Chris Grummons—*New Community Development Corporation*
Jennifer Jacobs (proxy for Jeff McDermott)—*Conestoga-Rovers & Associates*
Debbie Kring—*Environmental Protection Agency*
Connie Lowndes (proxy for Vernon Waldren)—*UNL Extension Office*
Lafonda McGee—*Omaha Healthy Kids Alliance*
Kenny McMorris—*Charles Drew Health Center*
Lacey Merica—*Senator Heath Mello's Office*
Amanda Micek—*Conestoga-Rovers & Associates*
Ché Orduña —*Omaha Healthy Kids Alliance*
Morghan Price—*Omaha Healthy Kids Alliance*
Steve Sanders—*Environmental Protection Agency*
Whitney Van Arsdall—*Omaha Healthy Kids Alliance*
Dicee Walker—*Omaha Healthy Kids Alliance*
Clare Watson—*Omaha Healthy Kids Alliance*
Cheryl Weston—*Lead Safe Omaha Coalition*
Anita Whitney—*Omaha Healthy Kids Alliance*

1. Discussion on Minutes from the August 12th Meeting

Sen. Council asked the Community Advisory Group (CAG) if there were any corrections or additions to be made to the August meeting minutes.

Ms. Barrientos-Patlan requested a change in the first paragraph on page three. The first sentence states: “Ms. Barrientos-Patlan stated that she sent a letter to EPA regarding the location of staging areas for contaminated soil.” Ms. Barrientos-Patlan stated that “in her neighborhood” should add to the end of the sentence.

Ms. Barrientos-Patlan requested a change in the first paragraph on page three. The second sentence states: “Ms. Barrientos-Patlan had requested that EPA put a rule in place to forbid contractors from approaching local businesses to use their land for staging areas.” Ms. Barrientos-Patlan stated that “especially when in or near a residential area” should be added to the end of the sentence.

Ms. Barrientos-Patlan requested a change in the second paragraph on page three. The first sentence states: “...staging areas from the state and county.” Ms. Barrientos-Patlan stated that the sentence should read: “...staging areas from the state, county, and EPA.”

Sen. Council requested a change submitted via email on behalf of Mr. Mike Felix in the first paragraph on page three. The second to last sentence states: “Mr. Felix stated that the Nebraska Department of Environmental Quality (NDEQ) had received questions from facility owners about staging area regulations.” Mr. Felix requested changing: “facility owners about staging area regulations” to “the owners of a facility about soil repository regulations.”

Sen. Council requested a change on behalf of Mike Felix in the first paragraph on page three. The last sentence states: “Mr. Felix stated that the NDEQ supplied the facility owners with information and none of them chose to apply to have a staging area at their facility.” Mr. Felix requested changing: “none of them chose to apply to have a staging area at their facility” to “the soil repository proposal will not be proceeding at this facility.”

Ms. Coyne requested a change to the June 10, 2009 minutes in the third paragraph on page twelve. The third sentence states: “Ms. Coyne stated that she thought the opposition to the ordinance was because it was written to require all units to have a risk assessment.” Ms. Coyne requested changing: “it was written to require all units to have a risk assessment” to “landlords had the impression that all units are required to have a risk assessment.”

Sen. Council stated that a quorum was not present to vote on approval of the minutes. The minutes will be updated with the above corrections and approval of the minutes will be added to the next meeting's agenda.

2. EPA Update – Bob Feild

Soil Remediation

Mr. Feild stated that two soil contractors are performing soil remediations in the Omaha Lead Site (OLS). Prudent Technologies has excavated 267 properties, backfilled 267 properties, and laid sod at 218 properties. Coastal Environmental has excavated 311 properties, backfilled 300 properties, and laid sod at 291 properties. Mr. Feild stated that EPA has conducted 578 yard replacements this year, and 5,193 yard replacements to date.

Ms. Barrientos-Patlan stated that she has received several complaints about weeds in newly laid sod. Mr. Feild stated that EPA treats these complaints on a case-by-case basis. Mr. Feild recommended referring residents to the EPA Public Information Centers to resolve these issues. Sen. Council asked Mr. Feild if the soil remediation contractor is responsible for maintaining the health of the sod. Mr. Feild stated that the contractor is responsible for watering the sod for 30 days after the sod is laid.

Sen. Council asked Mr. Feild how many yard replacements were conducted under the Interim Record of Decision (ROD). Mr. Feild stated that 4,615 properties were completed before the Final ROD was signed. Mr. Feild stated that the Final ROD increased the number of properties qualifying for soil replacement by 10,000 properties.

Ms. Eastman asked Mr. Feild if EPA will use their authority to replace yard soil without homeowner permission. Mr. Feild replied that EPA does not have plans for replacing soil where homeowners do not sign an access agreement; however, EPA plans to sample all yards within the OLS. Ms. Weston asked Mr. Feild if the Final ROD addresses this issue. Mr. Feild stated that the Final ROD does not address this issue, and that the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) statute provides the authority for EPA to remove soil at homes that are dangerous to the public.

Paint Stabilization

Mr. Feild stated that two paint stabilization contractors are performing paint stabilization in the OLS. Professional Environmental Engineers (PEE) has completed paint stabilization on 479 properties, and Prudent Technologies has completed paint stabilization on 466 properties. Mr. Feild stated that paint stabilization has been completed on 945 properties this year, and a total of 2,172 properties since EPA began work on the OLS. Mr. Feild stated that the total number includes work performed by the City of Omaha from previous years but not work they performed this year.

Ms. Weston asked Mr. Feild if completed paint stabilization refers to a property that has been inspected and signed-off on by EPA. Mr. Feild stated that completed paint stabilization does not necessarily mean that it has been signed-off on by EPA. Ms. Weston asked Mr. Feild if he could provide the number of properties that had been signed-off on by EPA. Mr. Feild replied that he will report these numbers at the next meeting.

Ms. Eastman asked if EPA is conducting paint assessments prior to soil removal. Mr. Feild stated that EPA has been performing paint assessments and paint stabilizations at an accelerated rate. Mr. Feild stated that the goal of EPA is to perform paint stabilizations before soil is excavated. Mr. Feild stated that is occurring at many properties and he will report a number at the next meeting. Ms. Eastman stated that this is a positive development.

Ms. Barrientos-Patlan asked Mr. Feild if the Public Information Centers have received a large volume of calls. Mr. Feild stated that EPA has received many questions and only a few complaints. Sen. Council asked Mr. Feild if EPA keeps track of the topics about which people call and, if so, if the CAG could be presented with a periodic report of the information. Mr. Feild stated that, to the best of his knowledge, the call center does not keep track of this information, but he will investigate the question.

Status of Administrative Orders

Mr. Feild stated that Administrative Orders have not been issued. Mr. Field stated that EPA will provide notice of their issuance.

Update on Glenwood, IA Soil Repository

Mr. Feild stated that EPA sent two inspectors to observe the operations at the Loess Hills Regional Sanitary Landfill in Malvern, Iowa. Mr. Feild stated that the landfill operates under a state permit. Mr. Feild, in response to complaints about dust, stated that the material brought to the landfill from the OLS is moist, and that the dust present in the area can be attributed to nearby dirt roads and construction projects. Mr. Feild stated that the inspectors did not locate the elementary school that was said to be across the street from the landfill, as discussed during the previous CAG meeting. Ms. Barrientos-Patlan asked if the soil trucks are going through Glenwood to get to the landfill. Mr. Feild stated that he does not know the exact route, but will check to see if the trucks are traveling through Glenwood. Ms. Barrientos-Patlan stated that the school is located in Glenwood.

Staging Areas

Ms. Barrientos-Patlan stated that air monitoring is being conducted around staging areas, but that air monitoring does not suppress dust. Ms. Barrientos-Patlan suggested installing a snow fence to protect against dust generation from wind. Mr. Feild stated that EPA has never detected a problem resulting from blowing dust around staging areas. Mr. Feild stated that he will discuss snow fence installation with the contractor.

Ms. Barrientos-Patlan stated that she is concerned about the proximity of staging areas to residential neighborhoods. Ms. Barrientos-Patlan suggested putting an EPA, state, or city law in place to regulate the distance a staging area must be from a residential neighborhood. Mr. Feild stated that EPA has made the determination that staging areas do not pose a significant risk to surrounding homes and can be operated safely.

Sen. Council asked Mr. Feild if the contractors had began work at the North Omaha staging area. Mr. Feild stated that work has not yet begun. Ms. Weston asked Mr. Feild if EPA was required to hold a community meeting and if community approval is required for a staging area to be located in a neighborhood. Mr. Feild stated that EPA has been going door-to-door on all truck routes, and has not received opposition or complaints. Mr. Feild stated that EPA determined that the public approach for North Omaha is to go door-to-door and provide a fact sheet about the staging area. Ms. Weston suggested holding a community meeting before operations commence at the North Omaha staging area. Ms. Weston asked if EPA could provide a report detailing the door-to-door interviews conducted with residents regarding the staging area. Mr. Feild replied that he will request a report.

Ms. Price asked Mr. Feild if door-to-door procedures included education about the risks of lead poisoning. Mr. Feild stated that lead risks were not included on the fact sheet because it is a lot of information for the public to absorb, and because most people are aware of the risks associated with lead. Ms. Price stated that residents do not generally know the risks associated with lead, and that they need to be informed before making an educated decision about the placement of a staging area. Mr. Feild stated that EPA has made the determination that staging facilities do not pose a significant risk to surrounding areas. Mr. Feild stated that EPA must balance the need to make progress on the project with the risks associated with the activities. Ms. Barrientos-Patlan stated that she does not believe there is a safe level of lead. Ms. Barrientos-Patlan reiterated her request that EPA place soil staging areas away from neighborhoods, suggesting at least one mile from homes.

Sen. Council stated that the street on which soil trucks would have to travel to arrive at the proposed staging area has no sidewalks or curbs and is a risk for children walking alongside the street. Sen. Council also stated that the location of the North Omaha staging area is near three different development projects. Sen. Council suggested putting the North Omaha staging area in on hold until communication with the community has been established. Ms. Kring stated that City departments should be collaborating to avoid construction conflict. Ms. Kring stated that a security fence surrounds the proposed staging area, and only a small portion of the land is reserved for temporary staging for contaminated soil. Ms. Kring stated that the congressional delegation, City officials, and the CAG were electronically notified when the North Omaha staging area fact sheet was completed. Ms. Brummund stated that the notification was emailed less than 24 hours ago. Sen. Council contended the fact that the City was notified, and stated that communication between the zoning department

responsible for issuing the permit and City Council members does not often take place. Ms. Eastman stated that the Omaha Healthy Kids Alliance (OHKA) was established to coordinate activities at the OLS. Ms. Eastman stated that OHKA is in the position to help with issues such as the North Omaha staging area, and expressed her disappointment that OHKA has not been utilized by EPA in that capacity.

Ms. Barrientos-Patlan asked Sen. Council if the CAG could write a letter to the City Council and the City Planning Department requesting notification if any permits that are requested within the OLS. Sen. Council stated that the CAG could look into that, but the issue at hand has resulted from a breakdown in communication and coordination.

3. Douglas County Health Department Update

None.

4. AmeriCorps Presentation

Ms. Watson, Ms. Price, and Ms. McGee presented on AmeriCorps projects and successes. Ms. Barrientos-Patlan asked if OHKA had worked with any parochial schools. Ms. Price stated that they have not, but they are always looking for future partnerships.

5. OHKA Update

Ms. Eastman stated that the week of October 18th is National Lead Poisoning Prevention Week (NLPPW). Ms. Eastman stated that for NLPPW, OHKA will hold an event called “Eat, Shop, Prevent Lead Poisoning” during which selected shops will be donating a portion of their proceeds to OHKA.

Ms. Eastman stated that OHKA did not receive the U.S. Centers for Disease Control and Prevention grant for which OHKA applied. Ms. Eastman reported that OHKA received the AmeriCorps and CLEARCorp grants. Ms. Eastman stated that the Lead Poisoning Prevention and Healthy Homes Conference has received over \$12,000, and all speakers and presenters have been confirmed. Ms. Eastman added that OHKA received a grant to purchase additional dust kits.

6. City Update

None.

7. Other Group or Agency Updates

None.

8. Grant Updates

None.

9. Questions and Answers

Sen. Council asked all CAG members to review a petition letter provided in the CAG packet which was sent to EPA Administrator Lisa Jackson, requesting EPA to revise lead in dust standards and the definition of lead-based paint. Ms. Eastman stated that OHKA signed the petition. Sen. Council asked Ms. Jacobs to contact all CAG members by email to ask their opinion on whether CAG members would want to write a letter in support of what is being recommended in the letter.

Ms. Coyne stated that she supports the petition. Ms. Coyne stated that the study cited in the petition letter concluded that 90% of pre-1978 houses meet the proposed lower standards without remediation. Ms. Coyne asked how the study came to this conclusion by including only one sample. Sen. Council suggested having Ms. Brummund of Senator Johanns' office explore the question.

Sen. Council stated that she is considering introducing legislation that would require lead screening for children before they enter kindergarten.

The next meeting will be on December 9, 2009 at 9:30 a.m. The location is to be determined.

Handouts:

Draft CAG Meeting Minutes from 06/10/09 and 08/12/09

Number of Children with Elevated Blood Lead Levels and Number of Children Tested Per Year (provided by CRA, Inc.)

Number of Children with Elevated Blood Lead Levels and Number of EPA Yard Replacements Per Year (provided by CRA, Inc.)

Letter to Lisa Jackson Regarding Citizen Petition to EPA Regarding the Paint and Dust Lead Standards (provided by CRA, Inc.)

Burlington Road Neighborhood Association Newsletter (provided by Ms. Rebecca Barrientos-Patlan)

Beneficial Reuse of Omaha Lead Site Soils (provided by NDEQ)

Letter to Residents from Black & Veatch regarding Lead Based Paint Assessment (provided by OHKA)

Letter to Lisa Jackson Regarding OLS (provided by Senator Johanns)

Midlands Voices: Don't ignore lead concern (provided by CRA, Inc.)

OHKA Newsletter (provided by OHKA)

La Vista OKs rental inspections (provided by CRA, Inc.)

Press Release: Senators Jack Reed and Chuck Hagel Introduce Bill to Create Council on Healthy Housing (provided by CRA, Inc.)

Recommendations for Blood Lead Screening of Medicaid-Eligible Children Aged 1—5 Years: an Updated Approach to Targeting a Group at High Risk (provided by CRA, Inc.)

Childhood Lead Poisoning Associated with Lead Dust Contamination of Family Vehicles and Child Safety Seats—Maine, 2008 (provided by CRA, Inc.)

AstroTurf will get the lead out (provided by CRA, Inc.)

AP IMPACT: School drinking water contains toxins (provided by CRA, Inc.)

News Release: HUD Announces Settlement With New York Landlords (provided by CRA, Inc.)

Lead, arsenic found in products from handbags to car seats (provided by CRA, Inc.)

EPA Announces New Steps to Protect Americans from Lead Poisoning. Actions to reduce overall exposures to lead (provided by CRA, Inc.)

The Social Costs of Childhood Lead Exposure in the Post-Lead Regulation Era (provided by CRA, Inc.)

News from CPSC and HC (provided by CRA, Inc.)